

## [CHAPTER 755.]

## AN ACT

To provide for the commemoration of the two hundredth anniversary of the Battle of Ackia, Mississippi, and the establishment of the Ackia Battleground National Monument, and for other purposes.

August 27, 1935.

[H. R. 3003.]

[Public, No. 362.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a national commission to be known as the "Ackia Battle Memorial Commission" and which shall be composed of five commissioners to be appointed by the Secretary of the Interior, one member to represent the Chickasaw Indians and one the French-speaking people of the United States, be, and is hereby, authorized and established to prepare plans and programs for the commemoration in May 1936 of the two hundredth anniversary of the Battle of Ackia. That said commissioners shall receive no compensation for their services.

Ackia Battleground National Monument; establishment.

Commission; appointment, composition.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized in his discretion to acquire, by purchase or by condemnation and/or accept by donation in behalf of the United States, such lands, easements, and buildings not to exceed fifty acres, and when title satisfactory to the Secretary of the Interior shall have been vested in the United States such area or areas shall be, upon proclamation of the President, established, dedicated, and set apart as a public monument for the benefit and enjoyment of the people and shall be known as the "Ackia Battleground National Monument": *Provided*, That such area shall include the site of the Battle of Ackia.

Acquisition of site.

SEC. 3. That there is hereby authorized to be appropriated, out of moneys in the Treasury not otherwise appropriated, the sum of \$15,000 to carry out the provisions of this Act.

*Proviso.*  
Area to include battleground.Sum authorized.  
Post, pp. 1119, 1623.

SEC. 4. The administration, protection, and development of the aforesaid national monument shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the Act of August 25, 1916, entitled "An Act to establish a National Park Service, and for other purposes", as amended.

Supervision, etc.

Vol. 39, p. 535.  
U. S. C., p. 591.

Approved, August 27, 1935.

## [CHAPTER 756.]

## AN ACT

To amend the District of Columbia Alcoholic Beverage Control Act.

August 27, 1935.

[H. R. 6510.]

[Public, No. 363.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subsection (q) of section 3 of the Act of Congress entitled "An Act to control the manufacture, transportation, possession, and sale of alcoholic beverages in the District of Columbia", approved January 24, 1934, be amended so as to read as follows:

District of Columbia Alcoholic Beverage Control Act; amendment.

Vol. 48, p. 321.

"(q) The word 'tavern' means a suitable space in a suitable building approved by the Board, including such suitable space outside of the building and adjoining it, as may be approved by the Board, kept, used, maintained, advertised, or held out to the public to be a place where sandwiches or light lunches are prepared and served for consumption on the premises in such quantities as to satisfy the Board that the sale of beer and light wines intended is no more than an incident to and not the prime source of revenue of such 'tavern'."

"Tavern" defined.

SEC. 2. That section 6 of said Act be amended so as to read as follows:

"SEC. 6. The right, power, and jurisdiction to issue, transfer, revoke, and suspend all licenses under this Act shall be vested solely

Licenses; issue, transfer, and revocation.

Review of action re-  
voking or suspending.

Findings of fact.

Status of license  
pending appeal.

Permits for sales of  
beverage stocks.

Additional authority  
and duties of Board.

Vol. 48, p. 324.

License classifica-  
tion.  
Manufacturers'  
license, class A.

Sale of licensee's  
product.

Regulations.

Annual fees.

Proviso.  
Alcohol sold for non-  
beverage purposes.

Vol. 48, p. 324.

Manufacturers'  
license, class B.  
Manufactures and  
sales permitted.

in the Board, and the action of the Board on any question of fact shall be final and conclusive; except that, in case a license is revoked or is suspended for a period of more than thirty days by the Board, the licensee may, within ten days after the order of revocation, or the order of suspension for a period of more than thirty days is entered, appeal in writing to the Commissioners to review said action of the Board, the hearings on said appeal to be submitted either orally or in writing at the discretion of the Commissioners, and the Commissioners shall not be required to take evidence, either oral, written, or documentary. The decision of the Commissioners on any question of fact involved in such appeal shall be final and conclusive. Pending such appeal the license shall stand suspended unless the Commissioners shall otherwise order.

"That the right and power be vested in the Board, for good cause shown, to issue permits for the sales of stocks of beverages located in the District of Columbia by individuals, corporations or associations, partnerships, executors, administrators, being owners thereof, receivers or other representatives of a court, to persons licensed under this Act.

"Said Board shall have such other authority and perform such other duties as the Commissioners may, by regulation, prescribe."

SEC. 3. That subsection (a) of section 11 of the said Act be amended so as to read as follows:

"(a) MANUFACTURERS' LICENSE, CLASS A.—To operate a rectifying plant, a distillery, or a winery. Such a license shall authorize the holder thereof to operate a rectifying plant for the manufacture of the products of rectification by purifying or combining alcohol, spirits, wine, or beer; a distillery for the manufacture of alcohol or spirits by distillation or redistillation; or a winery for the manufacture of wine; at the place therein described, but such license shall not authorize more than one of said activities, namely, that of a rectifying plant, a distillery, or a winery, and a separate license shall be required for each such plant. Such a license shall also authorize the sale from the licensed place of the products manufactured under such license by the licensee to another license holder under this Act for resale or to a dealer licensed under the laws of any State or Territory of the United States for resale. It shall not authorize the sale of beverages to any other person except as may be provided by regulations promulgated by the Commissioners under this Act. The annual fee for such license for a rectifying plant shall be \$3,500; for a distillery shall be \$3,500; and for a winery shall be \$500: *Provided, however,* That if a manufacturer shall operate a distillery only for the manufacture of alcohol and more than 50 per centum of such alcohol is sold for nonbeverage purposes, the annual fee shall be \$1,000. If said manufacturer holding a license issued at the rate last mentioned shall sell during any license period 50 per centum or more of said alcohol for beverage purposes, he shall pay to the Collector of Taxes the difference between the license fee paid and the license fee for a distiller of spirits."

SEC. 4. That subsection (b) of section 11 of said Act be amended so as to read as follows:

"(b) MANUFACTURERS' LICENSE, CLASS B.—To operate a brewery. Such a license shall authorize the holder thereof to operate a brewery for the manufacture of beer at the place therein described. It shall also authorize the sale from the licensed place of the beer manufactured under such license to another license holder under this Act for resale or to a dealer licensed under the laws of any State or Territory of the United States for resale, or to a consumer. Said manufacturer may sell beer to the consumer only in barrels, kegs,

and sealed bottles and said barrels, kegs, and bottles shall not be opened after sale, nor the contents consumed, on the premises where sold. The annual fee for such license shall be \$2,500."

SEC. 5. That subsection (c) of section 11 of the said Act be amended so as to read as follows:

"(c) WHOLESALERS' LICENSE, CLASS A.—Such a license shall authorize the holder thereof to sell beverages from the place therein described to another license holder under this Act for resale or to a dealer licensed under the laws of any State or Territory of the United States for resale, and, in addition, in the case of beer or light wines, to a consumer, said beverages to be sold only in barrels, kegs, sealed bottles, and other closed containers, which said barrels, kegs, sealed bottles, and other closed containers shall not be opened after sale, nor the contents consumed, on the premises where sold. It shall not authorize the sale of beverages to any other person except as may be provided by regulations promulgated by the Commissioners under this Act.

"No holder of such a license except a wholesale druggist or a wholesale grocer shall be engaged in any business on the premises for which the license is issued other than the sale of alcoholic and nonalcoholic beverages.

"The annual fee for such license shall be \$1,500."

SEC. 6. That subsection (d) of section 11 of the said Act be amended so as to read as follows:

"(d) WHOLESALERS' LICENSE, CLASS B.—Such a license shall authorize the holder thereof to sell beer and light wines from the place therein described to another license holder under this Act for resale or to a dealer licensed under the laws of any State or Territory of the United States for resale, or to a consumer in barrels, kegs, sealed bottles, and other closed containers, which said barrels, kegs, sealed bottles, and other closed containers shall not be opened after sale nor the contents consumed on the premises where sold.

"The annual fee for such license shall be \$750."

SEC. 7. That subsection (h) of section 11 of the said Act be amended so as to read as follows:

"(h) RETAILERS' LICENSE, CLASS D.—Such a license shall be issued only for a bona fide restaurant, tavern, hotel, or club, or a passenger-carrying marine vessel serving meals, light lunches, or sandwiches, or a club car or a dining car on a railroad. Such a license shall authorize the holder thereof to sell beer and light wines at the place therein described for consumption only in said place. Except in the case of clubs and hotels, no beer or light wines shall be sold or served to a customer in any closed container. In the case of restaurants, taverns, and passenger-carrying marine vessels and club cars or dining cars on a railroad, said beer and light wines shall be sold or served only to persons seated at public tables or at bona fide lunch counters, except that beer and light wines may be sold or served to assemblages of more than six individuals in a private room when such room has been previously approved by the Board. In the case of hotels, beer and light wines may be sold and served only in the private room of a registered guest or to persons seated at public tables or at bona fide lunch counters or to assemblages of more than six individuals in a private room when such room has been previously approved by the Board. And in the case of clubs, beer and light wines may be sold and served in the private room of a member, or guest of a member, or to persons seated at tables. No license shall be issued to a club which has not been established for at least three months immediately prior to the making of the application for such license,

Annual fee.

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Wholesalers' license,  
class A.  
Sales permitted.

Prohibited.

Restriction on en-  
gaging in other business  
on premises.

Annual fee.

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Wholesalers' license,  
class B.  
Sales permitted.

Fee.

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*Ante*, p. 444.

Retailers' license,  
class D.  
Persons eligible to  
receive.

Sales permitted.

Annual fees.	"The annual fee for such a license shall be \$200; except that in the case of a marine vessel the fee shall be \$20 per month or \$200 per annum, and in the case of each railroad dining car or club car \$1 per month or \$10 per annum."
Vol. 48, p. 327.	SEC. 8. That section 13 of the Act be amended so as to read as follows:
Description of premises in license.	"SEC. 13. Every license shall particularly describe the place where the rights thereunder are to be exercised, and beverages shall not be manufactured or kept for sale or sold by any licensee except at the place so described in his license: <i>Provided, however,</i> That the holder of a manufacturer's or wholesaler's license or the holder of a retailer's license, class C, and class D, issued for a passenger-carrying marine vessel or club car or a dining car on a railroad may store beverages, with the consent of the Board, upon premises other than the premises designated in the license. Every annual license shall date from the 1st day of February in each year and expire on the 31st day of January next after its issuance, except as herein-after provided. Licenses issued at any time after the beginning of the license year shall date from the first day of the month in which the license was issued and end on the last day of the license year above described, and payments shall be made of the proportionate amount of the annual license fee. Every monthly license shall date from the first day of the month in which it is issued and expire on the last day of the month named in the license. Monthly licenses shall not be issued for periods exceeding six months."
<i>Proviso.</i> Exempt license holders.	
License year.	
Fractions of year.	
Monthly license.	
Vol. 48, p. 330.	SEC. 9. That section 17 of the Act be amended so as to read as follows:
Revocation or suspension of license; causes for.	"SEC. 17. If any licensee violates any of the provisions of this Act or any of the rules or regulations promulgated pursuant thereto or fails to superintend in person, or through a manager approved by the Board, the business for which the license was issued, or allows the premises with respect to which the license of such licensee was issued, to be used for any unlawful, disorderly, or immoral purpose, or knowingly employs in the sale or distribution of beverages any person who has, within five years prior thereto, been convicted of a misdemeanor under the National Prohibition Act, as amended and supplemented, or, within ten years prior thereto, been convicted of any felony, or such licensee otherwise fails to carry out in good faith the provisions of this Act, the license of said licensee may be revoked or suspended by the Board after the licensee has been given an opportunity to be heard in his defense, subject to review by the Commissioners in case of revocation or in case of suspension for a period of more than thirty days, as herein provided. In case a license issued hereunder shall be revoked or suspended, no part of the license fee shall be returned, and the Board may, in its discretion, subject to review by the Commissioners, as a part of the order of revocation provide that no license shall be granted for the same place for the period of one year next after such revocation, and in case such order shall be made no license shall, during said year, be issued for said place or to a person or persons whose license is so revoked for any other location.
Return of fees.	
Denial of new license.	
Notice of suspension.	"That in the event the Board at any time shall order the suspension of any license a notice shall be posted by the Board, in a conspicuous place, on the outside of the licensed premises, at or near the main street entrance thereto; which notice shall state that the license theretofore issued to the licensee has been suspended and shall state the time for which said license is suspended, and state that the suspension is ordered because of a violation of the District of Columbia Alcoholic Beverage Control Act, or of the Commissioners' Regula-

tions adopted under authority of said District of Columbia Alcoholic Beverage Control Act."

SEC. 10. That section 20 of the Act be amended so as to read as follows:

Vol. 48, p. 331.

"SEC. 20. Licenses issued hereunder shall not authorize the sale or delivery of beverages, with the exception of beer and light wines, to any person under the age of twenty-one years, or beer or light wines to any person under the age of eighteen years, either for his own use or for the use of any other person; or the sale, service, or delivery of beverages to any intoxicated person, or to any person of notoriously intemperate habits, or to any person who appears to be intoxicated; and ignorance of the age of any such minor shall not be a defense to any action instituted under this section. No licensee shall be liable to any person for damages claimed to arise from refusal to sell such alcoholic beverages."

Individuals to whom sales prohibited.

SEC. 11. That section 23 of the said Act be amended by the addition of a new subsection to be designated (k), and to read as follows:

Vol. 48, pp. 332, 654.  
Tax rates.

"(k) No taxing provision of subsection (a), (c), (e), and (i) of this section shall apply in the case of a passenger-carrying marine vessel operating in and beyond the District of Columbia, or a club car or a dining car on a railroad operating in and beyond the District of Columbia, for which a retailer's license, class C or D, has been issued under this Act, except as set forth in this subsection.

When not applicable.

"The tax as specified in subsection (a) of this section shall be paid on all such beverages as are sold and served by said licensee while passing through or when at rest in the District of Columbia, in the following manner: A record shall be made and kept by the licensee for each passenger-carrying marine vessel operating in and beyond the district of Columbia, and for each club car or dining car on a railroad operating in and beyond the District of Columbia, for which a retailer's license, class C or class D, has been issued under this Act, of all alcoholic beverages sold and served in the District of Columbia, which record shall be subject to inspection by the Board. Each holder of such a license shall, on or before the 10th day of each month, forward to the Board on a form to be prescribed by the Commissioners, a statement under oath, showing the quantity of each kind of beverage, except beer and nontaxable light wines, sold under such license in the District of Columbia during the preceding calendar month, to which said statement shall be attached stamps denoting the payment of the tax imposed under this Act upon the beverages set forth in said report."

Payment.

Records to be kept.

SEC. 12. That section 25 of the Act be amended so as to read as follows:

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"SEC. 25. No licensee under this Act shall allow any person who has, within ten years prior thereto, been convicted of any felony, to sell, give, furnish, or distribute any beverage, nor allow any minor under the age of twenty-one years of age to sell, give, furnish, or distribute any beverage, except beer and light wines, or any minor under the age of eighteen years to sell, give, furnish, or distribute beer and light wines."

Restriction on employment of certain individuals for dispensing alcoholic beverages.

SEC. 13. That subsection (a) of section 28 of the said Act be amended so as to read as follows:

Vol. 48, p. 333.

"(a) No person shall in the District of Columbia drink any alcoholic beverage in any street, alley, park, or parking; or in any vehicle in or upon the same; or in any place to which the public is invited for which a license has not been issued hereunder permitting the sale and consumption of such alcoholic beverage upon such premises; or in any place to which the public is invited (for

Drinking in public places, unlawful.

which a license under this Act has been issued) at a time when the sale of such alcoholic beverage on the premises is prohibited by this Act or by the regulations promulgated thereunder. No person shall be drunk or intoxicated in any street, alley, park, or parking, or in any vehicle in or upon the same or in any place to which the public is invited or at any public gathering and no person anywhere shall be drunk or intoxicated and disturb the peace of any person."

Vol. 48, p. 333.

SEC. 14. That subsection (b) of section 28 of the said Act be amended so as to read as follows:

Punishment for violations.

"(b) Any person violating the provisions of this section shall be punished by a fine of not more than \$100 or by imprisonment for not more than thirty days or by both such fine and imprisonment in the discretion of the court for the first offense; by a fine of not more than \$200 or by imprisonment for not more than sixty days or by both such fine and imprisonment in the discretion of the Court for the second offense, or by a fine of not more than \$500 or by imprisonment for not more than six months or by both such fine and imprisonment in the discretion of the court for each subsequent offense."

Vol. 48, p. 330.

SEC. 15. That section 18 of the said Act is amended to read as follows:

Manufacturer of beverages; restriction on interest in business of wholesale or retail licensee.

"SEC. 18. If any manufacturer of beverages, whether licensed hereunder or not, by direct ownership, stock ownership, interlocking directors, mortgage, or lien, or by any other means shall have such a substantial interest, whether direct or indirect, in the business of any wholesale or retail licensee or in the premises on which said business is conducted as in the judgment of the Board may tend to influence such licensee to purchase beverages from such manufacturer, the Board may, in its discretion, revoke the license issued in respect of the business in which such manufacturer is interested, subject to review by the Commissioners as herein provided. No such manufacturer of beverages shall loan or give any money to any wholesale or retail licensee, or sell, rent, loan, or give to such licensee any equipment, furniture, fixtures, or property, or give or sell any service to such licensee: *Provided, however,* That with the prior approval of the Board, a manufacturer may sell, give, rent, or loan to a wholesale or retail licensee any service or article of property costing such manufacturer not more than \$10. No wholesale or retail licensee shall receive or accept any loan or gift of money from any such manufacturer or purchase from, rent from, borrow or receive by gift from such manufacturer any equipment, furniture, fixtures, or property, or accept or receive any service from such manufacturer: *Provided, however,* That, with the prior approval of the Board, a wholesale or retail licensee may purchase from, rent from, borrow or receive by gift from such manufacturer any service or article of property costing such manufacturer not more than \$10. Nothing herein contained, however, shall prohibit the sale of alcoholic and nonalcoholic beverages and the reasonable extension of credit therefor by a manufacturer to a wholesale or retail licensee. When used in this section the word 'manufacturer' shall include any stockholder holding directly or indirectly 25 per centum or more of the common stock or any officer of a manufacturer of beverages, if a corporation, whether licensed hereunder or not. This section shall not apply to retail licenses, class E, or to the wholesale license held by a person not licensed as a manufacturer hereunder owning an establishment for the manufacture of beverages outside of the District of Columbia."

Proviso.  
Restriction on sales, gifts, or loans.

Exception.

"Manufacturer" construed.

SEC. 16. That section 19 of the said Act is amended to read as follows:

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"SEC. 19. If any wholesaler of beverages, whether licensed hereunder or not, by direct ownership, stock ownership, interlocking directors, mortgage or lien or by any other means shall have such a substantial interest either direct or indirect in the business of any retail licensee or in the premises on which said business is conducted as in the judgment of the Board may tend to influence such licensee to purchase beverages from such wholesaler, the Board may in its discretion revoke the license issued in respect of the business in which such wholesaler is interested, subject to review by the Commissioners as herein provided. No such wholesaler of beverages shall lend or give any money to any retail licensee or sell to such licensee, any equipment, furniture, fixtures, or property, except merchandise sold at the fair market value for resale by such licensee, or rent, loan, or give to such licensee any equipment, furniture, fixtures, or property, or give or sell any service to such licensee: *Provided, however,* That, with the prior approval of the Board, a wholesaler may sell, give, rent, or loan to such licensee any service or article of property costing such wholesaler not more than \$10. No retail licensee shall receive or accept any loan or gift of money from any such wholesaler or purchase from any such wholesaler any equipment, furniture, fixtures, or property, except merchandise purchased at the fair market value for resale, or rent from, borrow, or receive by gift from such wholesaler any equipment, furniture, fixtures, or property, or receive any service from such wholesaler: *Provided, however,* That with the prior approval of the Board, a retail licensee may purchase from, rent from, borrow or receive by gift from such wholesaler any service or article of property costing such wholesaler not more than \$10. Nothing herein contained, however, shall prohibit the reasonable extension of credit by a wholesaler for merchandise sold to a retail licensee for resale as herein permitted. When used in this section the word 'wholesaler' shall include any stockholder holding directly or indirectly 25 per centum or more of the common stock or any officer of a wholesaler of beverages, if a corporation, whether licensed hereunder or not. This section shall not apply to retail licenses, class E."

Wholesaler of beverages; restriction on interest in business of retail licensee.

*Provided.*  
Restriction on sales, gifts, or loans.

Exception.

"Wholesaler" construed.

Vol. 48, p. 332.  
Tax rates.

SEC. 17. That section 23 of the said Act is amended by striking therefrom the words "35 cents" immediately preceding the words "for every wine-gallon of wine" and inserting in lieu thereof the words "10 cents" and by striking therefrom the words "50 cents" immediately preceding the words "for every wine-gallon of champagne or any wine artificially carbonated" and inserting in lieu thereof the words "15 cents".

SEC. 18. The Commissioners of the District of Columbia are hereby authorized in their discretion to require by regulation that no licensee holding a retailer's license, class A, B, C, D, or E, as provided in the said Act, shall transport, or cause to be transported, in any manner whatsoever into the District of Columbia any alcoholic beverage (except the regular stock on hand in a licensed railroad club or dining car or passenger-carrying marine vessel); and said Commissioners are also authorized to permit such importation under a special permit or permits, to be issued by the Alcoholic Beverage Control Board, upon application by a licensee and upon such terms and conditions and in such manner as may be prescribed by the said Commissioners. Any such regulation, permit, or system of permits may be suspended, amended, revoked, or abolished at any time by the said Commissioners.

Transportation of alcoholic beverages by retail licensee.

Permit.

Approved, August 27, 1935.